

FARMINGTON POLICE DEPARTMENT

POLICY AND PROCEDURE



Policy Number:
242-15 **Effective Date:**
08/17/16

Subject:
Theft of Identity

Approved by:

Steven D. Hebbe, Chief of Police



PURPOSE:

The purpose of this policy is to establish procedures for the investigation and handling of reported Theft of Identity, as defined by Section 30-16-24.1, NMSA 1978.

POLICY:

It is the policy of the Farmington Police Department to thoroughly investigate Identity Crimes where either suspects or victims are identified in our jurisdiction, to accurately document cases of reported Identity Theft, and to attempt to provide the citizens of the City of Farmington and the general public with information on how to safeguard against the consequences of identity theft.

PROCEDURE:

Initial Report:

When a law enforcement officer with Farmington Police Department interviews an alleged identity theft victim, that officer shall make a written offense report of the information provided by the victim and by witnesses, regardless of the location of the offense or the victim's residence, in compliance with Section 29-1-17, NMSA 1978. Such offense reports shall be forwarded to the New Mexico Office of the Attorney General, as hereinafter stated.

For other crimes stemming from the instance of Theft of Identity, the victim should be referred to the law enforcement agency with immediate jurisdiction for the location where such an offense occurred. Nothing in this policy should be construed to preclude the Farmington Police Department from aiding a crime victim who asks that an offense report be made for any offense stemming from an instance of Theft of Identity when the location of the offense is unknown or undetermined.

Reports of Theft of Identity should be forwarded to the Detective Division for review.

Providing Information / Assistance to Victims:

The officer taking the offense report should provide the victim with an Identity Theft Packet. Each Identity Theft packet should contain the following information, at a minimum:

1. Contact information for credit reporting agencies (i.e., Equifax, Experian, Transunion);
2. Contact or website information for the Federal Trade Commission where a victim may report an instance of Theft of Identity, especially for offenses that have occurred in other jurisdictions. The victim may also obtain additional information on how to take action to protect themselves from the consequences of Theft of Identity. That website is: <http://www.consumer.ftc.gov/articles/0274-immediate-steps-repair-identity-theft/>;
3. Blank copies of ID Theft affidavits or statements and a request for fraudulent transaction information.

In circumstances involving Theft of Identity where the victim's tax information has or may have been affected, victims should be referred to IRS Form 14039, Identity Theft Affidavit.

The Identity Theft Passport:

Pursuant to the provisions of Section 31-26-15, NMSA 1978, the Identity Theft Passport Law, the Detective Division of the Farmington Police Department or some other designee shall enter identification information of each victim of reported Theft of Identity into an electronic database maintained for that purpose by the New Mexico Office of the Attorney General. Corresponding offense reports shall be electronically submitted to the same Identity Theft Passport database.

Once the provisions of law enforcement's responsibility for data entry into the database are met, an identification number is generated by the database identifying the reporting party as a victim of Identity Theft. The Detective Division will provide the victim with that identification number.

The purpose of the Identity Theft Passport Law and database is to allow the following:

1. That each victim of Theft of Identity may have that crime reported to law enforcement;
2. That each victim may receive an identification number from a law enforcement agency permitting the victim to obtain a photo identification card from the NM Department of Motor Vehicles that identifies that person as a victim of Identity Theft;
3. That law enforcement may access the database maintained by the Office of the Attorney General in order to verify details about each instance of Theft of Identity involving a victim.

Any officer involved in a criminal investigation with a reported victim of Theft of Identity, or attempting to verify the true identity of such a person and some enforcement action is possible against the reported victim, should access the Identity Theft Passport database in order to determine facts surrounding previously reported incidents from any police agency. The database should be accessed prior to taking enforcement action in order to eliminate a possibility of unduly detaining, seizing or arresting the reported victim of Theft of Identity for a crime that they may not have committed. Such a determination is the responsibility of the investigating officer and will rely upon the completeness of their investigation into the matter.

Computerized access to the database shall be organized by the officer's immediate supervisor or a supervisor with the Detective Division. Supervisors have been provided information on how to access the Identity Theft electronic database.

Follow-up Investigations:

Follow-up investigations of identity theft reports should follow the policy and procedures identified in the Criminal Investigations Policy 242-01.

The assigned Detective should coordinate the investigation with other applicable agencies as determined through the follow-up investigation. This should be documented via Department supplementary reports.

If during the follow-up investigation, it is determined that the crime was committed in a different jurisdiction, the crime will be referred to that jurisdiction for follow-up.

Prevention of Identity Theft:

The Farmington Police Department will have available and provide the citizens of Farmington and the general public with literature regarding the prevention of Identity Theft.